



PTO/SB/83 (01-03)

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**REQUEST FOR WITHDRAWAL  
AS ATTORNEY OR AGENT**

Application Number	09/663,659
Filing Date	September 15, 2000
First Named Inventor	Malcolm G. Smith, Sr., et al
Art Unit	2876
Examiner Name	April A. Nowlin
Attorney Docket Number	5573 413436/070

**To: Commissioner for Patents  
Washington, DC 20231**

I hereby apply to withdraw as attorney or agent for the above identified patent application.

The reasons for this request are:

Please See Schedule Captioned ATTACHMENT TO REQUEST FOR WITHDRAWAL AS  
ATTORNEY Identified as Exhibit A and Attached Setting Forth the Response  
For This Request.

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

**CORRESPONDENCE ADDRESS**

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Place Customer Number  
Bar Code Label Here

**OR**

<input checked="" type="checkbox"/> Firm or Individual Name	Daniel Kehoe President				
Address					
Address	980 University Avenue				
City	Los Gatos	State	CALIFORNIA	Zip	95032
Country	USA				
Telephone	408-317-2000		Fax	408-317-2020	

- ☒ This request is made on behalf of myself and
- ☐ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☐ the attorneys/agents associated with Customer Number

This request is enclosed in triplicate (including any attachments).

Name Daniel J. Meaney Jr.

Signature

Date 5/2/03

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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ATTACHMENT TO  
REQUEST FOR WITHDRAWAL

AS ATTORNEY

This Attachment is an attachment to and comprises a part of a duly completed and signed REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT on Form PTO/SB/83.

1. A statement of the reason(s) for the request for withdrawal.

The statement of the reasons for filing of this request are as follows:

(A) Assignee-Client, UltraCard, Inc., has failed pay one or more bills rendered by the practitioner for an unreasonable period of time and the amount presently due the undersigned as of April 1, 2003 is \$25,542.34. Of the money owed, more than about \$20,000 is over 120 days past due. While the undersigned practitioner represented the Assignee-Client, UltraCard, Inc., repeated promises were made to pay money owed, but Assignee-Client, UltraCard, Inc., has not done so. Thus, the undersigned should be allowed to withdraw pursuant to 37 C.F.R. § 10.40(c)(1)(vi).

(B) All pending United States Patent Applications assigned to Assignee-Client, UltraCard, Inc. including the

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United States Patent Application subject of this REQUEST FOR WITHDRAWAL AS ATTORNEY have been abandoned due to the inability of the Assignee-Client, UltraCard, Inc. to pay for continued prosecution of the same and a breakdown in communication with the Assignee-Client, UltraCard, Inc. has occurred due to termination of its employees who are inventors and Assignee-Client, UltraCard, Inc. is unable to provide technical information and otherwise cooperate in prosecution of the United States Patent Applications including the United States Patent Application subject of this REQUEST FOR WITHDRAWAL AS ATTORNEY. Therefore, the undersigned practitioner should be allowed to withdraw pursuant to 37 C.F.R. § 10.40(c)(1)(iv) because the Assignee-Client, UltraCard, Inc. has rendered it "unreasonably difficult for the practitioner to carry out the employment effectively".

(C) The undersigned practitioner has reason to believe, based on confirmed and verified communications recently learned from third parties, that representative(s) of the Assignee-Client, UltraCard, Inc. are currently advising potential investors and potential licenses in connection with current fund raising activities that the

now abandoned United States Patent Applications and pending Foreign Patent Applications are currently being actively prosecuted by the undersigned practitioner, that the same are still pending and some have allowed claims, and, to the extent that the United States Patent Applications are now abandoned, they can be easily revived. The practitioner is concerned that: (i) such activities and apparent intentional misrepresentations may give rise to an illegal course of conduct; (ii) the undersigned practitioner does not want to be associated in any manner, form or way with such activities and apparent and intentional misrepresentations which may give rise to an illegal course of conduct; and (iii) the undersigned practitioner may otherwise be placed in a position where the undersigned practitioner would have to receive instructions or otherwise represent such representatives as "controlling persons" of the Assignee-Client, UltraCard, Inc. Therefore, the undersigned practitioner should be allowed to withdraw pursuant to 37 C.F.R. § 10.40(c)(1)(ii) because the Assignee-Client, UltraCard, Inc. through its representatives as "controlling persons" appears to be seeking to "pursue an illegal course of conduct".

(D) The Assignee-Client, UltraCard, Inc. has been notified in writing of the filing of this Request for Withdrawal and the original prosecution files have been returned to the Assignee-Client, UltraCard, Inc. together with a copy of this REQUEST FOR WITHDRAWAL AS ATTORNEY.

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